

MINUTES
CITY OF RIVERSIDE
CITY PLANNING COMMISSION
1,877th Meeting



6:00 p.m. March 3, 2005
Ramona High School
7675 Magnolia Av.

**APPROVED AS SUBMITTED AT THE
MAY 19, 2005 MEETING**

COMMISSIONERS PRESENT: Agnew, Brown, Comer, Densmore, Kurani, Leonard, Norton, Singletary

COMMISSIONERS ABSENT: Stephens

STAFF PRESENT: Gutierrez, Planning Director
Aaron, Principal Planner
Milosevic, Associate Planner
Brenes, Associate Planner
Smith, Deputy City Attorney
Andrade, Stenographer

THE FOLLOWING BUSINESS WAS CONDUCTED:

Chair Leonard reconvened the Planning Commission meeting.

Chair Leonard announced that the domestic animal keeping and RV parking issues have been withdrawn from consideration at this time and will not be discussed as part of these General Plan 2025 hearings. These issues will be taken up separately of the General Plan sometime in the future. He stated that notification will be sent at such time these issues are heard. He asked if there was anyone present wishing to speak on these issues.

The Citizens in the audience requested that no further testimony be taken on these issues as it had been advertised in the newspaper that these issues would not be discussed. It was the consensus of the Commission to accept the withdrawal of the RV parking and domestic animal keeping.

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K. **PUBLIC HEARING - RAMONA HIGH SCHOOL, 7675 MAGNOLIA AVENUE**

21. **PLANNING CASE P04-0178:** Planning Commission review of the General Plan 2025 Program and related Final Program Environmental Impact Report (SCH NO. 2004021108). The General Plan 2025 Program consists of the following components: 1) the City of Riverside General Plan 2025; 2) the comprehensive revision of the City of Riverside Zoning Code (Title 19 of the Municipal Code) and the rezoning of properties to reflect new zone names; 3) the comprehensive revision of the City of Riverside Subdivision Code (Title 18 of the Municipal Code); 4) the Citywide Design Guidelines; and 5) the Implementation Plan.

Non-Conforming Rights - "Grandfathering of existing uses"

Ken Gutierrez, Planning Director, thanked the citizens for attending the meeting. He gave an overview of the General Plan process to date.

He addressed the issue of non-conforming rights and explained the proposed changes. The current standard time limit is 180 days but the proposal is that the time limit be reduced to 90 days. One other change is that should there be a public nuisance, the Planning Commission will be able to initiate a public hearing to revoke the non-conforming rights.

Chair Leonard opened the meeting for public comment with regard to non-conforming rights. He asked that the citizens limit their comments to two minutes.

Ms. Yolanda Garland, resident of La Sierra, said that when the Planning Commission hearing of February 17 was continued to today, they had no way of knowing that the issues that drove 500 people to City Hall then were not going to be the issues for discussion today. There were 7000 letters sent to property owners informing them of the rezoning of the rural properties. According to the letter of February 25, 2005, only 190 properties are affected. She asked what happened to the other 6,710 properties. She noted that grand fathering of existing uses was not one of the items on the February 17, agenda unless it was part of the duplex issue. She added that the letter she received was convoluted and difficult to understand, other than it was their plan to drag the meetings out to April 7 with non-issue discussions. She asked those in attendance to pick a leader and start organizing today because the destruction of the City was not going to go away by itself.

John Jacob, owns the property at 5360 Tyler, stated that it was his opinion that the General Plan was not promoting for growth but changing the zoning as the City saw fit.

Ms. Kitty Halloway, owner of the Backstreet Restaurant in the Brockton Arcade, addressed the Commission. She stated that according to the new plan, her business would be changing from Commercial to Office. She felt that Riverside is a special place, unlike other places in Riverside. Riverside is a big City with small town friendliness. The Brockton Arcade consists mostly of small businesses which have been there for decades. She asked why the Planning Commission wanted to change the designation and destroy a neighborhood.

Chair Leonard thanked Ms. Halloway for her comments but stated that her time was up and that she could return to speak again.

Keith Breen, owns four units on California & McArthur, addressed the 180 day limit for non-conforming uses. He pointed out that he had a vacancy or if a unit burned down, he could lose his business. He noted that it could take more than six months to go through the permit process to rebuild. Also, staff referred to maintaining the

character of Riverside. His units are surrounded by duplexes and higher density units, he stated that this was the flavor of the neighborhood.

Chair Leonard noted that his testimony was very helpful to the Commission. The Commission needs to hear the hardships that this proposal will have on property owners.

Davis Lusk, 5931 Sinclair, addressed the proposed changes. He felt that certain individuals were coming in and changing Riverside to what they want not what people want. He stated that the Commission was not appointed by people but by City Council. He felt their purpose was not for Riverside but for the developers.

Dirk VanVoorhis, resided in the Arlington District, stated he objected to the term “grandfathering” which is an exemption from new rules and regulations. He stated that the term non-conforming, to him, was a different meaning than “grandfathering”. He would have more to say regarding the R-2 issue at the next meeting.

Ron Schoonard, owner of property at 5942 Acorn Street. His property is proposed to be rezoned to BMP from M-1. He has owned the property for 35 years and purchased it specifically for the zoning. The proposed changes would make his use nonconforming and no bank or institution would lend money to a business tagged nonconforming. This fact alone would significantly reduce the value and make it difficult to sell. If there was a fire or earthquake, the proposed time limit of 90 days to obtain the proper permits would be insufficient to hire an architect / engineer to prepare plans and submit them to the City. When he inquired at the Planning Department about these changes, he was told not to worry because he would be grandfathered in. Upon further research he finds that this may be true but that the Planning Department would have many legal grounds to deprive them of the use of their property. He referred to Section 19.08.010 which states that the intent is to provide for the orderly termination of non-conforming rights for lots, structures and uses. He stated that this did not give him any comfort or confidence in the term grandfathering. He questioned the City's seemingly stealth way of handling these proposed changes. If all of the affected property owners were notified and understood the changes and implications, this auditorium would not be large enough to hold all those voicing their opinion. He noted that if these changes were allowed to proceed unamended it would result in the virtual confiscation of a large percentage of their property value.

Karen Wright stated she had property on Magnolia Avenue. She stated that she has heard of problems with other people and business properties where the City has been harassing owners in areas wanting to change the zoning from industrial to office uses. These type of changes should be put to the vote of the people. These proposals are not really enhancing the character, it is destroying the character. Also the changes are designed to benefit developers not the residents of Riverside. She noticed that there were no cameras, it is not televised to the public, it is kind of being kept in a secret hiding place, hard for people to find. It didn't seem as though staff intended this meeting to be attended by very many people, otherwise it would not have been held at this location. There are other better locations. She lives in the Brockton area and use of the local restaurants is an example of how staff is trying to destroy places they like to shop and go to. Trying to take out businesses along the river bottom by changing the zoning and forcing them out that amounts to a taking of their property because who wants to buy a property that is non-conforming. The 90 days is a joke, just designed to steal property from them. This sounds like stealing from the citizens of Riverside. You're saying this is to enhance the characteristics, but you're trying to take away all of the citizens rights. People should have the right to have a duplex. She stated she was against almost everything she has heard about in the zoning changes.

Don White owns property on Jurupa, stated he was completely opposed to Zoning Code. They have changed the name. The name was nonconforming uses and now it is to non-conforming provisions and the provisions include lots and structures which means the structures and lots will fall into non-conforming. Grandfather rights will still be non-conforming. In provision one 19.080.020 it says lots, structures and uses not having

previously acquired proper permits are illegal and subject to immediate abatement. It will be the owner's responsibility to provide evidence or information to justify the establishment of non-conforming rights. You are saying we have to go back and prove that 25 years or 50 years ago, that when it was built it was built for whatever he is doing. He has to come up with the permits. What if the City doesn't show the permits because the permits are so old. He said he was also very concerned about 90 days. If a building is vacant or duplex tenant moves out and it can't rent that for 90 days, he can no longer rent that based on this proposal. In the original draft the Zoning Administrator has within 30 days to respond which is completely removed. If my business is shut down or burns, he would only have 90 days to rebuild the structure and turn in plans. What happens if Planning or the Zoning Administrator doesn't get back to him for 90 days or if he doesn't want him to be there, they won't turn back the plans.

Glen Malcolm, owner of Tri-Pacific Plumbing, 6782 Columbus, addressed the Commission. He stated he did not see anyone in favor of this and this is something the Commission should consider. He noted that structures and lots, under the new nonconforming laws, has been added. If someone owns a lot or structure that will be nonconforming, they will fall under this category. The new Code says, Section 19.080.020, Section B, that structure and uses not having previously acquired proper permits are illegal and subject to immediate abatement. He also pointed out that Section C of the new proposal says that it shall be the property owner's responsibility to provide evidence of nonconforming rights. He felt that the document spoke for itself and stated that he was opposed to the new provision.

Ms. Kitty Halloway stated she was embarrassed for having to go to the end of the line again and continued with her comments. She stated that owning a restaurant and being self-employed comes with enough insecurities and pit falls without having a government entity taking away the value of the business. If this change take place, they will be operating a nonconforming business and will be grandfathered in. She has read the documents related to nonconforming status and stated she felt no reassurances but apprehension. Section 19.66.010, Paragraph A is disturbing in that it provides for the orderly termination of nonconforming rights. Paragraph D states nonconforming uses shall be eliminated as rapidly as possible as set forth in this ordinance without infringing on the rights on the owners of nonconforming properties. She found it hard to believe that her business that has been there 38 years would be detrimental to the orderly development of the City. The Brockton Arcade is a viable piece of Riverside that the City cannot afford to lose.

Hope Allen, 6808 and 6822 Weaver, wanted to know what has become so confrontational as the City has been hassling them for some time now. She felt they were being run out of town. The City's new proposal is to grandather them, making them nonconforming. She stated that the City had its lawyers and funds while ramroding the citizens and forcing them to defend themselves. She was not in favor of the reduction in time from 180 to 90 days.

Robert Young stated he owned property on California Avenue. He protested the proposed rezoning of property on California from R-2 to single family dwelling. He noted that duplexes did not promote the health, safety and welfare of Riverside but failed to see how eliminating the duplex would achieve these goals. He gave examples of how the proposed rezoning would degrade their ability to serve Riverside's communities and their own financial interest. The properties would be reduced in value because of their inability to expand on the original usage. A nonconforming status on a property would subject them to increase risk of revocation of the nonconforming status. Restoration of a destroyed nonconforming structure will put them in impossible situation with their insurance carrier. If destruction of a nonconforming use exceeded 51% they would be faced with an insurance company that would replace actual losses but not tear down half of something that wasn't destroyed. The method of determining the actual extent of damage for destroyed nonconforming structure is also questionable. Who would determine this ratio and how would the review and approval phase be fair. He asked that the Commission investigate these questions.

Chair Leonard stated that they would be reviewing that next week.

Mr. Young suggested that rather than making the R-2 zone obsolete, to review the properties on a case by case basis. Some R-2 properties may be more suitable than others.

Gary Holmes pointed out that if the City took 25% of his property he would be entitled to compensation. He saw no difference in taking away a right to use their property and taking away a physical piece. Government Code 65863 and AB 2292 require compensatory up-zoning whenever down-zoning occurs. He asked which of the Commission and Council's friends would be up-zoned to compensate for their properties being down zoned. He would be happy rezoning his property to R-3 rather than R-1.

Perry Chastain, 4105 -4109 Harrison, noted that the input of 20 people did not make statistical blip with regard to the population of the City of Riverside. He asked why the Commission was considering arbitrary actions that run contrary to the County Master Plan recently adopted. Many of the properties being considered for grandfathering and nonconforming properties are in designated high density residential zones in the County Master Plan. He stated he was against this and felt this was a way around eminent domain. If this is approved, everyone should be entitled to compensation. He felt it was a violation of the 5th Amendment and that the City was taking away the value of their property without just compensation. He agreed that it would make much more sense to up zone the properties to R-3.

Kelly Lopatinzski also spoke in favor of the Backstreet property. She agreed with her sister's earlier statements and added two other points. She pointed out that the Brockton Arcade was a fabulous example of the bold moves outlined in the staff report to create integrated commercial and residential developments along major corridors near activity centers as well as providing opportunities to allow more residents to work in Riverside.

Rosalina Grisco, owners of the boarding kennel at 5930 Jasmine. She was concerned that they would not be able to sell the property due to the nonconforming rights. If a buyer cannot obtain a loan from the bank, they will have no retirement.

Meryse Koegel, owns 3535 Albany, stated she had changed her plans to leave the state from June 3 to June 10 in order to attend these meetings. She did not see the article in the Press Enterprise. She informed the Commission that she purchased the duplex to supplement her social security income.

Jan Miller, 3476-78 Albany, spoke regarding non-conforming rights and stated she was totally against the proposal. She stated that up zoning the property to R-3 is the only thing that makes sense.

George Manfred, A -Z Printing at 4330 Van Buren, stated that the property was currently C-2. Their use will not be allowed under the proposed zoning and the business would become nonconforming. He wanted to go on record in opposition of the proposed zone changes.

Ms. Terry Frizzel addressed the Commission. She asked whether the General Plan done 10 years ago, as indicated by the Planning Director, affected the people's rights as this proposed General Plan is doing. At that time they took into consideration what the public wanted and utilized their concerns to make this a quality City. The mixed signals being sent out today is confusing property owners. If the General Plan must be updated, it should be changed according to the citizens' recommendations.

Don Gallegos, 3240 Pachappa Hill, spoke in opposition to the nonconforming issue. He was told that the grandfather clause would save their use from proposed Zoning and Code changes. He saw this as more governmental control over their lives. People in a Democracy should not have decisions made for them but by

them. He encouraged the citizens present to send a message to the Planning Department and City Council and just say no.

Rocko Teeto, stated that what was being proposed will ruin the hopes and dreams of a lot of entrepreneurs. The Planning Director mentioned that the said revised plan, 10 years ago, was a good one so why revise it today.

Irene Hernandez, owns the duplex at 3619 Wilbur. She purchased this property for her retirement. She has been approached numerous times by realtors wanting to purchase her property offering double the purchase price. Should this proposal be approved, it would appear her property will be taken away from her for less than double.

Faith Sandill stated she owned lots in the airport area. They pulled all the necessary permits 40 years ago to start their plumbing shop. She has been cited by Code, 40 years later. It should not be her responsibility to provide proof. She and her attorney feel that it should be up to the City to provide proof that her company was anything but legal. She also noted that when she went to the City to look up information she was told that they no longer had the permits or could not find them.

Dixie Klock, 6808 Weaver Street, said she was present to speak regarding the Zoning and Code Compliance issues. She has a one acre parcel which is zoned for animal keeping. She has been told she is not legal to have two horses. She has also been informed that the City will be taking 8' of her property to install curbs and gutters. She has never asked City to install curbs and gutters. She is tired of Code Compliance taking property. If they are taking property, they should compensate the residents.

Mr. Martin Blumenthal, spoke with regard to grandfathering rights. He understands that contrary to what people say, this body is not the one that submitted the plan or is pushing the plan. This is the body that will hear the testimony to find out what the City wants. He suggested that not the city planners, Council, or Planning Commission, but the people of the City of Riverside make the determination as to how they want the City to grow and exist. He suggested that Commission recommend to the City Council that every Zoning and Use currently in existence remain. Instead of the citizens applying for a CUP, at a cost of \$1500, that the Planning Department if they really feel this is totally bad, submit a CUP and appear before the Council and make a determination at that point. Everyone has been this zoning for years and unless Police, Utilities and Fire in some manner requires it, why screw around with duplexes things like that. He noted that perhaps the areas that aren't developed should be the focus of their concentration. He urged the Commission to recommend to the Council to keep it as it is.

Carl Gurzowski stated he owned a duplex he purchased for kids and retirement. The R-3 Zone does sound good. The main problem he has is that he heard about this meeting from a friend. How many other property owners don't know about this meeting. He said the City was trying to hide things and not telling the residents about things but the people of Riverside want to know what is going on and how to fight it.

Bill Rizohorf also owns several duplexes and has been in real estate for 35 years. He stated this was going to be his retirement. The nonconforming issue scares the heck out of him as well as the 90 day time limit. He noted that the rental market is excellent right now and they can easily rent the duplexes quickly. Things always change but if the market gets bad, 90 days is nothing. They will end up with half the units vacant and not be able to use them. What happens when all those duplexes are boarded up because they can't rent them out. This isn't Riverside improvement. He stated that R-3 made a lot more sense than this nonconforming.

Mary Carranza, 88 Highland Avenue, in Highgrove was sent a notice that concerned her property. She stated that this did not make sense, why tear up a beautiful community. Highgrove is older than Riverside. She asked the Commission to really think about this because the people have a right to live there and raise their children.

David Kessinger spoke before the Commission. He addressed issues regarding Community Development Block Grants and Code Compliance. He asked that the City Council actions identify a linking between Development Department and Public Works to expend CDBG funds to rehabilitate properties.

Mia Kellingsworth noted that the proposal as written is very vague in instances of public necessity that would dictate taking away someone's nonconforming status. She felt it left it wide open and this is what the property owners are concerned about. If their nonconforming status is revoked, what compensation are they going to receive when their property is taken from them. She hasn't seen any provisions that would cover compensation of existing property and structures. The proposal has taken apart what has already been working, why are we changing this.

Kathy Rosenberger, 19549 Citrus Grove, said that she was very leery of staff's comments based on the issues that have been brought up tonight by the citizens. Her concerns were in regard to the Watercourse name change to Overlay. When they moved into their home, they were told the easement behind their home was exactly that an easement where they were allowed to build on as long as it was not a permanent fixture. They have paid taxes on the land but the City would have access and would maintain it. The City has not maintained it and about eight years into their residency they received notices that the property owners were responsible for maintaining it. She assumed that this was the point in time it was changed from an easement to watercourse. The proposal today is to change it to an Overlay, what else is in the underlying language that is hidden. How much are they responsible for and how much can they build on their own property. The proposal is not set in layman's terms so that the common/ordinary folk can understand what is being proposed.

Chair Leonard stated that the Watercourse would be discussed separately after the nonconforming issue.

Henry Diaz, 1131 Center Street in Highgrove, stated that this was a small community. He did not feel it was right that the City was coming in and throwing them out. The people here have donated a lot for this country.

Chuck Musgrove, 2901 Everwood Drive, stated he was also present to address the Watercourse Overlay. He wanted to go on record that he was concerned about taxes and the impacts this would have on him.

Augusto Lopez, 9827 Diana Avenue, suggested to the Commission that the grandfather clause be redefined as an unadulterated perpetual transfer or rights of the owners once a property was zoned and built on by Code.

Larriann Pohlad, 4850 Monroe St., asked if staff would be providing a presentation at each meeting explaining the topic of the evening.

Chair Leonard replied that there would be an explanation of the proposal.

Ms. Pohlad commented that staff has done a very poor job of publicizing these meetings. There are a lot of questions the public has on each topic that need to be answered clearly so that everyone knows what is going on and when it will happen.

Cissy Thomas asked why this was being done. The City wants to bring in more people and create more traffic but she did not see what this resolves. She was also concerned about the businesses and the impacts in reducing the time frame from 180 to 90 days. She noted that it also used to say that the Planning Commission had 30 days but now it is reasonable amount of time. What is reasonable amount of time? The proposed changes are ambiguous and difficult to read. She did not understand this and there is a lot she may have overlooked.

Lee Allen, 6822 Weaver, the last two years Code Compliance has been beating their door. They have been told that they do not have enough room now for horses because they are going to put in curb and gutter. He believed that the Harvest Church on Adams and Arlington is buying up every piece of property and putting the squeeze on them. He stated that he believes the City is also behind this.

Ronnie Bauman, 1944 Spruce Street, their business has been in Riverside since 1907. He has heard residents asking the same question all night. He too would ask the question and wanted an answer. Why, why is the City going through this? What is wrong with the way the City is now?

Barbara Kacarab, 1161 Coronet, stated she was present to speak on the nonconforming rights. The Commission has been hearing from people who own duplexes. She wanted them to hear from a person that used to live in a duplex. As a single mother, she much preferred to live in a duplex. The tenants have a relationship with the owner and become friends. She felt that in addition to thinking about the owners of the duplexes, they should consider the people that live in them.

Cecil Green, 3540 Elizabeth Street, noted that there is a Federal Program to create affordable housing. He wanted to know how knocking out the duplexes would assist the Government in putting in more affordable housing for the local residents. He felt this was like a means of discrimination based on a person's ability to make money or the color of their skin.

Opjit Ghuman owns a duplex on 9771 Diana Avenue which they purchased 30 years ago as an investment. He stated that he found out about this meeting by accident. He stated that they had a fire at this duplex and it took almost a year or more to get it fixed. This should be evidence for the Commission, in terms of what time it takes to turn that around. He commented that they were talking about grandfathering rights, why not just call them grandfather rights instead of the negative terminology such as non-compliance. The text says nonconforming rights "may apply", why not will apply. He felt that changing the R-2 Zone to R-1 was mind boggling.

Gary Holmes said he understood the need for a plan and also that a plan sometimes needs to be changed but a good plan does not need to change a lot of frequently. The General Plan needs to be done right the first time so that changes will be few and far between, so that the users can have confidence upon and rely on it. A plan that requires major revisions after only 10 years means it was a bad plan to begin with or that something unscrupulous is going on. He suggested that if this is a government of the people that the City be divided into small neighborhoods and allow each neighborhood to vote on whether the plan for their area should be implemented.

Chair Leonard asked staff to explain the basic question many have asked, why the R-2 is being deleted.

Mr. Gutierrez replied that this would be the primary topic for the next week. Through the review process, it was found that there are a relatively small number of R-2 Zones. The only use in the R-2 Zone is a duplex but there are other zones that could allow a duplex in appropriate places such as the R-3 Zone. Also, through contacts on the Technical Advisory Committee, members from Police and Code Enforcement, there is typically more problems associated with smaller number of units such as the duplexes. Based upon those factors the recommendation came forth to eliminate the R-2 Zone. Those currently in the R-2 Zone have to be rezone. Those proposals as which Zone is the appropriate one for this use will be discussed next week. He reiterated that this was purely a recommendation to the Planning Commission. Part of their deliberation will be to determine if the R-2 Zone should be eliminated and if it is, what is the appropriate Zone.

Someone from the audience stated that if Mr. Gutierrez' testimony is based on facts, they would like to see them. If he has that report, it should be put into the Commission's report for everyone to view.

Chair Leonard asked specifically regarding nonconforming uses, in the event of natural disaster when does the 90 day clock start and what kind of time consideration is given. If an answer is not ready now, he asked that staff provide the information at the next meeting. He also asked staff to describe the relationship of this proposal with the Uniform Building Code as it relates to nonconforming uses.

Mr. Gutierrez stated that staff would provide the information at the next meeting. He informed the Commission that the Uniform Building Code does not speak to the Zoning Code issues.

Chair Leonard noted that one thing that has been raised that strikes him particularly is the property owner's responsibility to provide the evidence of nonconforming status. He would like to work on that language toward a more collaborative effort with the applicant or property owner providing the best available information.

Mr. Gutierrez said that in practice that is exactly what happens.

Commissioner Brown said he has repeatedly heard the people tonight asking why the General Plan is being updated and asked staff to please explain.

Mr. Gutierrez commented that the General Plan should be updated every 10 years. The time is right as a lot has changed in Riverside in the last 10 years. The General Plan follows the steps put in place by the Riverside Visioning document and helps implement that vision through the various Elements. It is time to look forward to what Riverside can be over the next 10 years and to accommodate the growth we know is coming to Riverside yet still retain those special features that make Riverside a great place to live, work and play.

Ms. Allen said she was a part of this process 10 years ago. She wanted to know how much their input would count.

Chair Leonard assures Ms. Allen that they were listening. He noted that most of their questions tonight came from the testimony received.

Commissioner Densmore added that, absolutely, the resident's input counts. He is taking notes and has questions but is not ready to ask them yet. His questions are primarily regarding the process, as he also asks the question, why. He too would like to know whether or not they can break it down neighborhood by neighborhood and whether big ticket items that will change property values should be put to the people. At this particular point, since there are multiple hearings he wants to make sure he hears the people. He cannot respond to everyone at this time but yes the testimony counts. He encouraged everyone tonight to attend all of the meetings.

Karen Wright wondered where all these people were going to work, the people whose jobs will be eliminated. The City is trying to put in office complexes and eliminate the other types of businesses. Where are the others going to work. This is eliminating part of the population of Riverside. She also noted that the meeting was not being video taped for showing on the City cable channel. Other people have a right to hear the comments and it should be aired on the tv. This is an important matter and if the City intends to reach the people it should be broadcast.

Watercourse Overlay Discussion

Mr. Gutierrez gave an overview of the Watercourse Overlay. The Watercourse Zone is exactly that a Zone placed on property to protect structures and property from flooding. What this change does is takes property from Base Zone to an Overlay Zone. This will allow the Base Zone to remain in place and adds the Watercourse

Overlay Zone to it. Where this becomes important is in the RC Zones. Proposition R and Measure C do not allow the RC Zone to be rezoned. What the City Council and Planning Commission routinely do is place an easement on the property. An easement is not as effective because it is not seen on the Zoning maps. The property rights and structures are protected because of the Watercourse Overlay. The changes are largely technical, they add flexibility and protection to the properties.

Chair Leonard read the draft Ordinance out loud with regard to what is allowed in the Watercourse Zone.

Mr. Gutierrez reiterated and wanted to make it clear they are not adding new Watercourse Zones as a part of the plan, simply changing it from a Base Zone where it already exists, to an Overlay Zone.

Chair Leonard opened the public hearing to public comment on the Watercourse Zone.

Don Williams, 1390 Ridgeline Drive, said he has a Watercourse Zone which covers approximately 60% of his property in the rear. Reading the text of the proposed change it does not support Mr. Gutierrez' opinion that the change is technical in nature. The front part of their property is zoned R-1-130 and the back part Watercourse Zone. The proposal is to change the back Watercourse Zone to R-1-1 ½, is that change also applied to the front, which the public hearing is silent about. Under The R-1-130 they are allowed animal keeping if the parcel is 1 acre in size which does not impact them since they have 2/3 of an acre. They have several neighbors downstream that have more than 1 acre. Having R-1-1 ½ would change their animal keeping to a nonconforming use. One issue is the fact that the proposal is silent about that change. Also, the fact that the residential front half will be zoned differently from the back. The proposal also states that tree crops would be prohibited but they are not prohibited under the current zoning for Watercourse. He noted that the builder that built their home had to maintain and plant additional trees to establish some character in the Watercourse Zone. They have expanded this and now have 25 trees in the back. Some of the trees support what you would see in a Watercourse Zone and others are ornamental or fruit trees. He would like to see standards set that establishes the right kind of plantings and trees to enhance the Watercourse. He stated that he objected to the restriction on tree crops that doesn't currently exist. He stated that he has provided a letter with his comments to staff so that the Commission could have it for their review later.

Chair Leonard acknowledged that the Commission already had a copy of the letter

Mr. Williams said that the letter revolved around the loss of tree crops and animal keeping and the change between the two residential zones front and rear of the property. He also noted that with regard to accessory structures he was told per table 19.230.020, it will need a Conditional Use Permit. If that is correct, it is a very onerous process for a property owner especially for a minor structure as an accessory structure which by definition is 750 sqft. It would be more appropriate to put it to administrative variance subject to staff's review. This would require a City Engineer to determine it won't block the flow of water which is a reasonable expectation.

Arlee Montalvo, 477 Picacho Drive, said that she did not have time to submit a letter regarding the Watercourse Zone. She commented that there are other portions of the Watercourse Overlay which do overlay the RC Zone. Some of those areas are actually within major arroyos mentioned in the Grading Ordinance. She would like the Commission to take a careful look where the overlap occurs and think about whether perhaps there should be some changes where perhaps some of the permitted uses are not appropriate.

Commissioner Densmore asked Ms. Montalvo if she would have time to submit a letter for the Commission to consider in the future.

Ms. Montalvo replied she would like to prepare something but would like to work with the Arroyo Committee and submit a letter approved by the entire committee.

Jeff Talbot, 1795 Huntington Street, said his property was currently zoned RA-5. His property is two tiered, the top tier is Zoned RA-5 and the lower tier zoned Watercourse. His concern is that it is his understanding his entire property will now become RA-5 with a Watercourse Overlay. He can envision that affecting his property tax base. He stated that approximately 30% of his property is completely unusable as far as development because of the Watercourse Zone.

Chair Leonard noted that only that area presently in the Watercourse Zone would have the Watercourse Overlay and would not affect his residence.

Mr. Talbot asked if the entire property would become RA-5 and whether it would affect the tax calculations.

Mr. Gutierrez explained that the property without the Watercourse Overlay would be RA-5 and the portion with the Watercourse Overlay would be RA-5-WC. The Watercourse designation would still be there but as an Overlay instead of a Base Zone. He did not believe it would affect his property taxes as the Watercourse Overlay still has the same restrictions.

Walter Andrews, 1370 Ridgeline Drive, said he was Mr. Williams next door neighbor. He has the Watercourse Zone behind his house. Some of the grandfathering concepts discussed earlier would seem to apply to this concept in that some of the items that were clearly defined previously are no longer clearly defined as uses. He felt that they could find some benefits as opposed to what is being presented tonight. In his situation the Watercourse passes behind his home in a fashion that his pad is 6 ½' above the bottom of the watercourse. The top of his rear property is 25' above the watercourse. The top 52' distance wise and 130' wide of his property would never see water because it would come through his house and out the front before it ever got to the top half of his property. A benefit that could come from this is, why not allow some type of use of this 52' x 130' section of property that would never see any water but it is part of the Arroyo concept behind his property. He also noted that another benefit that could be offered to the residents with regard to the time limit would be to increase it to 270 days changing a negative to a positive benefit.

Mark Schumm, 7738 Woodshell Court, said his property backs up to one of the water flows, did not know the specific name. He recalled the El Niño 12 years ago when he saw waterfalls cascading off the boulders in his backyard. The amount of water going through was unbelievable. He felt that there was nothing wrong with the growth but when it gets too close to where the water needs to flow, it is unacceptable. He has never been nervous or concerned that he should take out flood insurance but if these propositions can change anything, will the City be responsible to add additional assistance to the residents close to the water channels for flood insurance? Mother Nature left alone is ok. He asked for clarification that he could understand, as to whether there would be any opportunity to build there, manipulate or change the dirt. If someone can change the dirt then there is going to be a problem. He also mentioned that the City needed to do a better job of telling people when and where these meetings will be.

Debbie Kelly, 6990 Withers Road, said there was a Watercourse Zone behind her property. She did not understand whether the gully or the whole back of her property would be Watercourse Overlay. She informed the Commission regarding the problems she has experienced with the Nextel site that was constructed behind her property. She felt that the City has disrupted the eco-system in the area.

Chuck Musgrove said he has 11 acres he has enjoyed over the last 15 years. He did not know there was a Watercourse or Flood Zone through his property. He referred to parcel number 132150013. He wanted to know

if this was changed to R-1-1 ½ would his property be taxed to a potential of 22 lots. Would he have to sell out? He noted that above him were 25 proposed homes which have major channels coming down. He asked if this would mean that everyone could dump into the Watercourse Zone because there is a stream there. He did not want their water.

Commissioner Densmore wanted to make sure Mr. Musgrove and Ms. Kelly received answers to their questions today if possible.

Mr. Gutierrez said that staff would be present after the meeting and if anyone had any questions to please stop by.

Chair Leonard asked for clarification with regard to the Watercourse Overlay and whether there was anything on the table to increase the Watercourse Overlay. If there are existing trees or improvements on the property, nothing will require these to be removed nor is there a time frame to require the removal of such improvements. In the event of a catastrophic event that overflows the existing Watercourse Zone would there be any mechanism to expand the Watercourse Zone or would it be recognized as a unique event that would not alter the Zoning or Overlay of the property. He also asked if a full CUP was really required or could there be a lesser permit considered for accessory structures.

Mr. Gutierrez responded that there wasn't anything built into the process that would automatically trigger a rezoning of the property. The Watercourse Zones are placed on property usually at the time they are developed by an engineer study. He stated that Mr. Williams brings up a good point with regard to the CUP. Staff's biggest concern when placing a structure on a property is whether it has the potential to change the watercourse. He would like to come back at the next meeting with a proposal for this issue as well.

Ms. Kelly wondered why the actual water reservoir property isn't in a Watercourse Zone.

Chair Leonard stated that this would be a question for staff to research for a future meeting as well.

Combined Livestock Zone

Mr. Gutierrez presented the Combining Zone. He showed maps of the R-1-80 Zone with the RL Combining Zone. The RL Combining Zone says that with a 20,000 sqft lot the property owners can have two horses. This applies to a small area and will allow animal keeping on 20,000 sqft lots. This Zone was put in place many years ago, prior to the establishment of the RR - Rural Residential Zone which is an animal keeping Zone intended for horses. Based on the statistics compiled, staff is recommending that the Combining Zone be deleted. There are currently only 190 properties in the City that have the Combining Zone and of those there are only 39 properties that have 20,000 sqft lots. Based on a survey of the area, there are only 6 - 8 properties that keep animals. Those that have animals would be able to keep the animals under the nonconforming rights provisions.

Since the City has the RR Zone in place which is intended for the animal keeping, staff is proposing that two properties: 6151 Alhambra and 10939 Campbell which are adjacent to the RR Zone be rezoned to the RR Zone. The properties are of sufficient size and are contiguous to the RR Zone. The Combining Zone has served its purpose and is now being recommended to be deleted. He added that to a large degree it is a neighborhood compatibility issue because the bulk of the homes do not have and cannot have animal keeping.

Ms. Frizzel said that some of her questions had been answered by the presentation. She asked about the two properties on Alhambra and Campbell proposed for the RR Zone. The reason she raised any questions regarding

this is that a lot of those people have had animals and had them in RR Zone. She noted that any 1 acre parcel in the City of Riverside can have two horses. She asked what the purpose of this proposal was and why were two for the 39 lots excluded.

Karen Wright stated that she would like to support not deleting any properties where livestock is permitted in the City. She did not believe paving all over Riverside was a good idea. Rural properties give people in the area exposure to animals. It is wrong for people who are not animal people to eliminate properties particularly smaller properties that are more affordable, the right to animal keeping. She stated she was against this change. She does not live in that area but there are a lot of people in this town who like animals. It is part of the character the City says they are trying to maintain.

Ms. Allen pointed out that both La Sierra and Norte Vista still have an FFA Program and this should be considered. She stated that the surrounding areas with residences are needed to support these programs.

Robin Kilcoyne, 6204 La Sierra Avenue, wanted to thank everyone for their demonstration of how much they listen by going off the agenda that they are trying to stick so much to. She lived in Orange County and moved to La Sierra which has now turned into an Irvine. She noticed by the program that Riverside is trying to take away its agriculture and horse land and did not understand this. Everyone is moving to Riverside and taking away these properties to build more houses. She felt that it was the developers that were behind this. They do not want to sell because they have horse property. She likes Riverside's rural appeal and wants to stay here.

Rosalie Arnold, 10945 Cypress Avenue, stated she was against the rezoning. She has horses, chickens and liked living this lifestyle. She did not like the fact that sidewalks were being installed without horse trails.

Dave Lusk, 5931 Sinclair Avenue, this is the issue he came for, to see a conspiracy and who is benefitting from this rezoning from livestock to residential. When La Sierra was annexed, during the annexation process the City stated that it would remain Rural Agricultural.

Ms. Frizzel said she was one of the persons around during the annexation to Riverside. Somewhere there has to be a record of what was promised and asked how they could obtain copies.

Chair Leonard commented that this would be a document dating to 1964 and would not easily be found. He asked staff to try to address it.

Mr. Gutierrez continued with the presentation on the RL Combining Zone.

Ms. Klock commented that it was becoming blatantly obvious that the people who live in Riverside want to keep Riverside the way it is. The residents want to be left alone and do not need these changes.

L. **ADJOURNMENT**

Chair Leonard thanked the citizens for their testimony tonight. The meeting was adjourned to March 10, 2005 at 6:00 pm in the Art Pick Council Chambers.